

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.450 OF 2022
IN
CRIMINAL APPEAL NO.118 OF 2022**

Shakir Ismail Pathan	.. Applicant/Appellant
<i>Versus</i>	
State of Maharashtra	.. Respondent

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Mr.Nizami Ammar Faisal, Advocate for the Applicant/Appellant.
Mr.S.V. Gavand, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 10, 2022.

P.C. :

This is an application for suspension of sentence and grant of bail, during the pendency of Criminal Appeal No.118 of 2022.

2 The applicant-appellant is convicted for the offence punishable under Section 353 of IPC, and, sentenced to suffer rigorous imprisonment for two years. He is also convicted for the offence punishable under Section 332 of IPC, and, sentenced to suffer rigorous imprisonment for two years.

3 The applicant-appellant was on bail during the trial.

The sentence of imprisonment has been suspended by the trial Court after the conviction to enable the applicant-appellant to prefer an Appeal against the judgment of conviction.

4 Learned counsel for the applicant-appellant has contended that fine amount has been deposited in the trial Court.

5 Considering the fact that the sentence is of short term, suspension of sentence under Section 389 of Cr.P.C. by trial Court and since the applicant-appellant was on bail during the trial, this application can be allowed.

6 Hence, I pass the following order:

:: ORDER ::

- (i) Interim Application No.450 of 2022, is allowed;
- (ii) During the pendency of Criminal Appeal No.118 of 2022, the sentence of imprisonment imposed vide judgment and order dated 3rd January, 2022, passed by Additional Sessions Judge, Kalyan, in Sessions Case No.245 of 2019, is suspended and the applicant-appellant is directed to be released on bail on

executing P.R. Bond in the sum of Rs.20,000/-, with one or more sureties in the like amount;

- (iii) The applicant-appellant is permitted to furnish cash bail in the sum of Rs.20,000/-, for a period of ten weeks, in lieu of surety;
- (iv) The applicant-appellant shall report the trial Court once in six months on first Saturday of the month, till disposal of the Appeal;
- (v) In the event there are two consecutive defaults in attending the trial Court, the said fact may be brought to the notice of this Court and the prosecution is at liberty to move an application for cancellation of bail;
- (vi) Interim Application No.450 of 2022, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)